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Debtors and Debtors in Possession*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re

EASTERDAY RANCHES, INC., et al.,¹

Debtors.

No. 21-00141-WLH11

**SECOND STIPULATION BY AND
BETWEEN DEBTOR EASTERDAY
FARMS AND MACK FINANCIAL
REGARDING MOTION FOR RELIEF
FROM STAY**

¹ The Debtors along with their case numbers are as follows: Easterday Ranches, Inc., (21-00141-WLH11) and Easterday Farms, a Washington general partnership (21-00176-WLH11).

**SECOND STIPULATION BY AND BETWEEN
DEBTOR EASTERDAY FARMS AND MACK
FINANCIAL REGARDING MOTION FOR
RELIEF FROM STAY – Page 1**

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1 Debtor Easterday Farms, a Washington General Partnership (“Farms”) and Mack
2 Financial Services, a division of VFS US LLC (“Mack Financial” and, together with
3 Farms, the “Parties”), by and through their undersigned counsel of record, hereby enter
4 into this second stipulation and agreed order (the “Second Stipulation”), pursuant to
5 which the Parties stipulate and agree as follows:

6 **WHEREAS**, on April 21, 2021, Mack Financial filed its *Motion for Relief from*
7 *Stay* (the “Motion” found at Docket No. 603), seeking, *inter alia*, relief from stay to
8 obtain possession of certain equipment (the “Collateral”).

9 **WHEREAS**, other than Farms, no party-in-interest responded to the Motion.

10 **WHEREAS**, on May 10, 2021, the Parties entered into a Stipulation by and
11 between Debtor Easterday Farms and Mack Financial Regarding Motion for Relief
12 from Stay (the “First Stipulation” found at Docket No. 686).

13 **WHEREAS**, on June 16, 2021, the court entered an agreed order authorizing
14 Farms to make certain adequate protection payments to Mack Financial (Docket No.
15 820).

16 **WHEREAS**, Farms no longer requires use of the equipment over which the
17 Motion seeks relief from stay.

18 **Based on the foregoing recitals, the Parties hereby stipulate and agree as**
19 **follows:**

20 1. Upon the court entering an order approving this Second Stipulation, Mack
21 Financial shall be entitled to immediate relief from the automatic stay with respect to
22 the Collateral covered by the Motion. Mack Financial shall arrange with Farms to take
23 possession of the Collateral as soon as practicable.

SECOND STIPULATION BY AND BETWEEN
DEBTOR EASTERDAY FARMS AND MACK
FINANCIAL REGARDING MOTION FOR
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1 2. Upon taking possession of the collateral, Mack Financial waives any right
2 to assert a deficiency or any other claim against either or both of the Debtors. Within 14
3 days of entry of an order approving this Second Stipulation, Mack Financial shall
4 withdraw claims 62, 63, and 64 filed in the Easterday Ranches case.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD**

6
7 DATED September 29, 2021 BUSH KORNFELD LLP

8 /s/ Thomas A. Buford

9 THOMAS A. BUFORD, III (WSBA 52969)

10 RICHARD M. PACHULSKI (Admitted *Pro Hac Vice*)
11 JEFFREY W. DULBERG (Admitted *Pro Hac Vice*)
12 JASON H. ROSELL (*Admitted Pro Hac Vice*)
13 PACHULSKI STANG ZIEHL & JONES LLP

14 *Attorneys for the Debtor*

15 DATED September 29, 2021 GORDON REES SCULLY MANSUKHANI, LLP

16 /s/ KENT CARTER

17 KENT CARTER (Admitted *Pro Hac Vice*)
18 W. GREGORY LOCKWOOD (WSBA 52232)

19 *Attorneys for Mack Financial*

20 SECOND STIPULATION BY AND BETWEEN
21 DEBTOR EASTERDAY FARMS AND MACK
22 FINANCIAL REGARDING MOTION FOR
23 RELIEF FROM STAY – Page 3

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